**Remarks**

Applicants have amended the specification to reflect that parent application 10/270,595 has issued as U.S. Patent 6,716,603. Applicants have amended claims 46, 51, 55, 59, and 61 to no longer depend on withdrawn claim 45. Applicants note that claims 50 and 54 have been withdrawn thereby rendering the objection to these claims moot. No new matter has been added by the amendments.

**Response to Restriction Requirement**

In response to the Restriction Requirement, dated May 2, 2006, Applicant hereby elects with traverse Group VI (directed to claims 37 to 44, 46, 47, 51 to 53, 55 to 61 drawn to a method of treating a disease associated with ICACC protein activity in the airways of a patient by administering an antibody that modulates the activity of ICACC-1 polypeptide) and also elect species of disease (d) (directed to improvement in pulmonary function), species of cells (d) (directed to "epithelial cells") and mode of administration (b) (directed to parenteral administration).

The traversal for the Restriction Requirement is on the grounds that the claimed inventions of Groups V and VI are all directed to methods of treating a disease associate with ICACC protein activity in the airways of a patient by administering an antibody against ICACC. The invention of group V utilizes an antibody against human ICACC-2 and the invention of group VI utilizes an antibody against ICACC-2. The inventions of Groups V and VII are directed to the same invention because they use the same reagents (antibodies against ICACC) for performing the same process (treating a disease associated with ICACC protein activity). At a minimum, the inventions of Groups V and VI should be regrouped and examined together. Regarding the restriction requirement to species of diseases, Applicants note that the allegedly different species are all "atopic allergies and related disorders" (*see* Specification page 1 lines 11-12). For example, bronchial hyperresponsiveness and pulmonary inflammation are related to the same disease, *i.e.* asthma (*see* Specification, page 1, line 23 to page 2, line 2). Therefore, the species are not patentably distinct and should be examined together. Applicants also note it that would not be a serious burden on the Examiner to examine the species of disease together (*see* MPEP 808.01 (a)). For example, a search for asthma would find prior art for treatment of bronchial hyperresponsiveness and improvement of pulmonary function. Regarding the restriction requirement to species of cells, Applicants note that all of the species of cells are implicated in the IL-9 response. As such, agents that affect one type of cells may necessarily affect another type of cell depending on the location in the pathway. Thus, it would not be a serious burden on the Examiner to search for agents that affect cells in the same pathway and therefore the types of cells should be examined together. Regarding the route of administration, Applicants note that regardless the mode of administration, the agent administered ultimately affects the same cells,

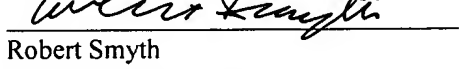
thus it would not be a serious burden to search for the various routes of administration. Therefore, the routes of administration should be examined together.

**Conclusion**

It is respectfully submitted that all claims are now in condition for further prosecution. Should the Examiner disagree, Applicant respectfully requests a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to advance prosecution.

If there are any fees due in connection with the filing of this amendment, please charge the fees to our Deposit Account No. 50-310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted
**Morgan, Lewis & Bockius LLP**



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